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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/650,200	08/29/2000	Cornelius Van Zon	US 000219	8637
24737	7590	03/01/2005	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS				RAO, ANAND SHASHIKANT
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BRIARCLIFF MANOR, NY 10510				
ART UNIT		PAPER NUMBER		
		2613		

DATE MAILED: 03/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Advisory Action</b>	Application No.	Applicant(s)
	09/650,200	VAN ZON, CORNELIUS
	Examiner	Art Unit
	Andy S. Rao	2613

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 03 January 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a)  The period for reply expires 3 months from the mailing date of the final rejection.
- b)  The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1.  A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2.  The proposed amendment(s) will not be entered because:
  - (a)  they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b)  they raise the issue of new matter (see Note below);
  - (c)  they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d)  they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_.

3.  Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4.  Newly proposed or amended claim(s) \_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5.  The a) affidavit, b) exhibit, or c) request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Examiner's attachment entitled "Response to Arguments...".
6.  The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7.  For purposes of Appeal, the proposed amendment(s) a) will not be entered or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: 1-21.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8.  The drawing correction filed on \_\_\_\_ is a) approved or b) disapproved by the Examiner.

9.  Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.

10.  Other: \_\_\_\_\_.

*ANDY RAO*  
**PRIMARY EXAMINER** Andy S. Rao  
 Primary Examiner  
 Art Unit: 2613

***Response to Arguments filed in the After Final Amendment***

1. Applicant's arguments filed with respect to claims 1-21 on 1/3/05 have been fully considered but they are not persuasive.
2. Claims 1-21 remain rejected under 35 U.S.C. 102(e) as being anticipated by Sethuraman et al., (hereinafter referred to as "Sethuraman"), as was set forth in the final Office Action mailed on 11/16/04.
3. The Applicant presents one substantive argument contending the Examiner's rejection of claims 1-21 remain rejected under 35 U.S.C. 102(e) as being anticipated by Sethuraman et al., (hereinafter referred to as "Sethuraman"), as was set forth in the final Office Action mailed on 11/16/04. However, after a careful consideration of the argument presented, and further scrutiny of the applied reference, the Examiner must respectfully disagree, and maintain the rejection for the reasons that follow.
4. The Applicant argues that Sethuraman is not directed towards positively recited "decoding system" of claims 1 and 9, and the method claim of 17 (Amendment After Final: page 8, lines 1-20). The Examiner respectfully disagrees on two points. Firstly, the Examiner fails to see how the Applicant can construe the presented claims to positive recite "a decoding system" which would imply that each and every element of the claim is explicitly set forth as a necessary means for decoding. However, in both claims 1 and 9, the claims recite "an apparatus for receiving and decoding..." and further have an analysis circuit. The Examiner notes that "a receiver" is not the same as "a decoding system..." and the claims are clearly directed towards an apparatus that is a receiver that can decode, if needed. The decoding function as recited in the claims is a sub-function and not the main function, and thus the claims cannot be strictly

interpreted as “...a decoding system...” as in the claims. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., “a decoding system” versus “a receiving apparatus” or “a receiver”) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). When viewed in this fashion, Sethuraman discloses that the encoding system is capable of receiving an incoming scalable video bit stream as specified by means of the cache (Sethuraman: column 35, lines 40-50). Additionally, it is noted that since the embedded decoder is part of a pipelined architecture including an encoder (Sethuraman: column 35, lines 20-25), such an arrangement allows for concurrent processing using the “embedded decoder” under the control of the pre-processing units (Sethuraman: column 3, lines 20-30), especially if the disclosed apparatus is availing itself of transcoding to implement its rate control (Sethuraman: column 8, lines 40-67; column 9, lines 1-53). Furthermore, the “embedded decoder” of the reference seems to read on the “decoder” of the recited receiving apparatus, especially the “decoding” occurs as a sub-function triggered by preceding processing, making the decoder as recited function as an “...embedded decoder...” as in Sethuraman. The rate control as discussed in Sethuraman would have priority over both the encoding and decoding functions of Sethuraman, and thus, although primarily described in rate control for encoding, this function would also govern the decoding function of the pre-processing units, as well. Accordingly, the Examiner maintains that these features are met by Sethuraman.

***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andy S. Rao whose telephone number is (703)-305-4813. The examiner can normally be reached on Monday-Friday 8 hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris S. Kelley can be reached on (703)-305-4856. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Andy S. Rao  
Primary Examiner  
Art Unit 2613

asr  
February 22, 2005

ANDY RAO  
PRIMARY EXAMINER